

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 13, 2022**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

JAMES H.<sup>1</sup>,

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 4:22-cv-05032-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g)**

**ECF Nos. 10, 14**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 14, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Chad Hatfield represents Plaintiff. Attorneys John Drenning and Brian M. Donovan represent Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

---

<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1           1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is **GRANTED**.

2           2. The above-captioned case be **REVERSED** and **REMANDED** to the  
3 Commissioner of Social Security for further administrative proceeding pursuant to  
4 sentence four of 42 U.S.C. § 405(g).

5           The parties have stipulated to the following:

6           On remand, the Appeals Council will instruct the ALJ to:

- 7           • Reevaluate Dr. Mark's opinion and the severity of the claimant's  
8           mental impairments in accordance with Social Security Ruling 13-2p;
- 9           • Obtain medical expert or vocational expert evidence as needed; and
- 10          • Further develop the record, offer the claimant the opportunity for a  
11          new hearing and issue a new decision.

12          *See* ECF No. 14 at 1-2.

13          3. Judgment shall be entered for **PLAINTIFF**.

14          4. Plaintiff's Motion for Summary Judgment, **ECF No. 10**, is **STRICKEN**  
15 **AS MOOT**.

16          5. Upon proper presentation, this Court will consider Plaintiff's application  
17 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**  
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED October 13, 2022.

4 s/Mary K. Dimke  
5 MARY K. DIMKE  
6 UNITED STATES MAGISTRATE JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20